

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICKI DALE DIERENFELDT, et al.,

Plaintiffs,

v.

ST. JOSEPH HOSPITAL EUREKA, et al.,

Defendants.

Case No. [18-cv-02101-WHO](#)

**ORDER GRANTING UNOPPOSED
MOTION FOR SUMMARY
JUDGMENT**

Re: Dkt. No. 90

The United States moved for summary judgment seeking judgment that: (i) the United States is not liable for the acts or omissions of Dr. Franklin as an independent contractor; (ii) there is no FTCA liability for apparent agency; and (iii) there is no evidence for a claim against Open Door Health Centers. Dkt. No. 90. On April 18, 2019, plaintiffs filed a notice of non-opposition, stating that they do not oppose the United States' Motion for Summary Judgment. Dkt. No. 97.

Therefore, the United States' Motion for Summary Judgment is GRANTED. IT IS ORDERED THAT:

The United States is not liable for the acts or omissions of Dr. Franklin as an independent contractor.

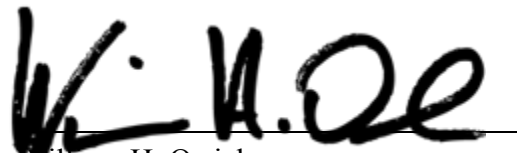
There is no FTCA liability for apparent agency against the United States.

There is no evidence for a claim against defendant Open Door Community Health Centers.

The May 15, 2019 hearing is VACATED.

IT IS SO ORDERED.

Dated: April 29, 2019


William H. Orrick
United States District Judge